



PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants: Holger Bengs et al.)	I hereby certify that this paper is being
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Serial No.: 09/869,511)	Service with sufficient postage as first class
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Filed (I.A.): November 30, 1999)	Commissioner for Patents, P.O. Box 1450,
)	Alexandria, VA 22313-1450, on November 3,
Title: PREPARATIONS CONTAINING)	2003.
ALPHA POLYGLUCANS FOR)	
TOPICAL APPLICATION)	
)	
Group Art Unit: 1617)	
)	
Examiner: Russell Travers)	
)	
Attorney Docket No.: 29988/AX98148)	James P. Zeller (Reg. No. 28,491)
)	Attorney for Applicants

RESPONSE TO OFFICIAL ACTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the official action of June 11, 2003. This response is timely filed, as it is accompanied by a petition for automatic extension of time to file in the second month, and the requisite fee.

In the official action of June 11, 2003, claims 1-12, 14, and 15 were withdrawn from consideration, and claim 13 was rejected variously under the judiciously created doctrine of obviousness-type double patenting, under 35 U.S.C. § 112, first paragraph as failing to adequately teach how to make and/or how to use the invention, under 35 U.S.C. § 112, second paragraph as being indefinite, and under 35 U.S.C. §§ 102(b) and 103 in view of Kossmann et al.

The various rejections are hereby traversed as being directed to a non-elected invention. Withdrawal of the rejection and issuance of an official action directed to the invention of claims 1-12, 14, and 15, are respectfully solicited.

In an official action dated March 6, 2003, restriction was required between Group I (claims 1-12, 14, and 15), and Group II (claim 13). In a response filed April 7, 2003, the applicants elected the claims of Group I, i.e., claims 1-12, 14, and 15, with traverse of the restriction requirement.

Nevertheless, the official action of June 11, 2003, was directed to the invention of Group II.

In a telephonic interview conducted October 28, 2003, between the undersigned and Examiner Travers, the examiner acknowledged that the official action is directed to a non-elected group of claims, and it was agreed that a response traversing the rejection on the basis of the rejection is directed to non-elected claims would be entered.

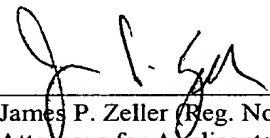
Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

November 3, 2003

By:



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